## LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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## In The Matter Of

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## BRIAN MICHAEL BOURGEOIS, MD

(License No.10467)

Respondent

CONSENT ORDER FOR OFFICIAL REPRIMAND

No. 10-I-119

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The Louisiana State Board of Medical Examiners (the "Board") conducted an investigation of Brian Michael Bourgeois, MD, ("Dr. Bourgeois") who has been licensed in Louisiana since 1994 and practicing in Gretna, Louisiana. The Board has developed reliable information indicating that Dr. Bourgeois delegated prescriptive authority beyond that authorized by law. In particular, the investigation revealed that Dr. Bourgeois delegated prescriptive authority to the physician assistant prior to submitting an application and receiving Board approval.

On his own behalf, Dr. Bourgeois represents that he delegated prescriptive authority to the physician assistant believing that all of the necessary requirements from the Board had been fulfilled.

Predicated on the foregoing, the Director of Investigation has determined that probable cause exists for recommending to the Board that an Administrative Complaint be filed in this matter charging Dr. Bourgeois with violation of the Louisiana Physician Practice Act, La. Rev. Stat. §37:1285.A (22), ("the Act").

As evidenced by his subscription hereto, Dr. Bourgeois acknowledges the substantial accuracy of the foregoing information and that proof of such information upon an administrative evidentiary hearing could constitute sufficient cause under the Act for the imposition of such terms, conditions, or restrictions on his license to practice as a physician in the state of Louisiana as the Board may deem appropriate.

Recognizing his right to have administrative adjudication of the matters mentioned above, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. § 49:951, et seq., Dr. Bourgeois nonetheless, hereby waives his right to formal adjudication and pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. By his subscription hereto, Dr. Bourgeois also acknowledges that he waives any right to which he may be entitled pursuant

<sup>&</sup>lt;sup>1</sup>La. Rev. Stat. §37:1285.A (22) provides: "The board may refuse to issue, or may suspend or revoke any license or permit, or impose probationary or other restrictions on any license or permit issued under this Part for utilizing a physician assistant without approval and recordation as required by law or permitting a physician assistant, within his employment, to conduct activities outside of the designated scope of the assistant's approval and registration."

In the Matter of:		
Brian Michael Bourgeois, M.D.	Consent Order	2

to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, et seq. or which otherwise may be afforded to him by law, to contest his agreement to or the force and effect of the Board's investigation or this document in any court or other forum relating to the matters referred to herein.

By his subscription hereto, Dr. Bourgeois also hereby authorizes the Investigating Officer designated by the Board with respect hereto, to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation, and he waives any objection to such disclosures to the Board under La. Rev. Stat. §49:960. Dr. Bourgeois expressly acknowledges that the disclosure of information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to proceed with the filing and adjudication of an administrative complaint against him, or to the Board's capacity to adjudicate such complaint, should the Board decline to accept this Consent Order.

Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. § 37:1326 and La. Rev. Stat. § 49:955(D);

**IT IS ORDERED** that Brian Michael Bourgeois, M.D. is hereby issued an **OFFICIAL REPRIMAND** and that Dr. Bourgeois's license to practice as a physician and his continuing exercise of the rights and privileges granted to him thereby, shall be subject to his acceptance and strict compliance with the following terms and conditions:

- 1. Payment of Fine. Dr. Bourgeois shall pay a fine of \$1,000.00 to the Board, which payment shall be made within ninety (90) days of the effective date of this Order by the Board; and
- 2. Demonstration of Understanding-Board's Rules. Within one hundred eighty (180) days of the effective date of this Order, Dr. Bourgeois shall provide evidence to the Board's satisfaction that he has gained an understanding of and is practicing in accordance with the law and the Board's rules and regulations respecting physician assistants.

IT IS FURTHER ORDERED that any violation of the terms and conditions set forth by this Order by Dr. Bourgeois shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such action against Dr. Bourgeois's license to practice as a physician in the state of Louisiana as the Board may deem appropriate, as if such violation was enumerated among the causes provided in La. Rev. Stat. §37:1360.33(3).

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

New Orleans, Louisiana, this	17	_day of	may	, 2010
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In the Matter of: Brian Michael Bourgeois, M.D	Consent Order	3
STATE OF LOUISIANA PARISH OF		
	ACKNOWLEDGMENT AND CONSENT	
I RDIAN MICHAEL ROUBCE	EOIS, M.D., hereby acknowledge, approve	a accept and concept t
entry of the above and foregoing Ord	/1	, 2010.
	BRIAN MICHAEL BOURGEO	IS, M.D.
	WITNESSES:	1.
Signature	Signature Vi W	fte_
Robert L. Kuhner, Jr. Typed Name	Donna P. White Typed Name	
07 Wall Blvd., Ste. A, Gretna Address 70056		Ste. A, Gretna, LA 70056
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	6015/A	ath

Sworn to and subscribed before me at  $\frac{1}{2}$  Reverse  $\frac{1}{2}$ , Louisiana, this  $\frac{1}{2}$  day of MRE 42010, in the presence of the two stated witnesses Notary Public (Signature) BODEST I UNILIER Embossed Senson in my Obserna Forest,
State of Lo. Wolary Public Sent
The Consultation is bound for the
Printed Name/Notary #

#28119